

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

THOSE CERTAIN UNDERWRITERS AT  
LLOYD'S, LONDON, SUBSCRIBING TO  
CERTIFICATE NO. SUAUSD50147-2001,

Plaintiff,

vs.

Case No.: 1:23-cv-00037-JHR-GJF

U-DRIVE ACCEPTANCE CORPORATION,  
INC., ABQ, INC. and EUGENE SALAZAR,

Defendants.

**ANSWER**

Defendant Eugene Salazar, through counsel, submits the following Answer to Defendants' Complaint for Declaratory Judgment. All allegations not specifically admitted are denied.

1. Defendant admits the allegations in Paragraph 1 of the Complaint to the extent that Plaintiff seeks the declaration identified. Defendant denies that Plaintiff is entitled to the declaration identified.
2. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 2 of the Complaint and therefore denies the same.
3. Defendant admits the allegations in Paragraph 3 of the Complaint.
4. Defendant admits the allegations in Paragraph 4 of the Complaint.
5. Defendant admits the allegations in Paragraph 5 of the Complaint.
6. Defendant admits the allegations in Paragraph 6 of the Complaint.
7. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 7 of the Complaint and therefore denies the same.

8. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 8 of the Complaint and therefore denies the same.
9. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 9 of the Complaint and therefore denies the same.
10. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 10 of the Complaint and therefore denies the same.
11. Defendant admits the allegations in Paragraph 11 of the Complaint.
12. Defendant admits the allegations in Paragraph 12 of the Complaint.
13. Defendant admits the allegations in Paragraph 13 of the Complaint.
14. Defendant admits the allegations in Paragraph 14 of the Complaint.
15. Defendant admits the allegations in Paragraph 15 of the Complaint.
16. Defendant admits the allegations in Paragraph 16 of the Complaint.
17. Defendant admits the allegations in Paragraph 17 of the Complaint.
18. Defendant admits the allegations in Paragraph 18 of the Complaint.
19. Defendant admits the allegations in Paragraph 19 of the Complaint.
20. Defendant admits the allegations in Paragraph 20 of the Complaint, except that Defendant denies Plaintiff's characterization of Count II and affirmatively states that Count II of the Complaint alleges violation of the Unfair Practices Act, which does not require a finding of willfulness, and Defendant denies Plaintiff's characterization of Count III and affirmatively states that Count III of the Complaint alleges conversion, which does not require a finding of malice, willfulness, or fraud.
21. Defendant admits the allegations in Paragraph 21 of the Complaint.

22. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 22 of the Complaint and therefore denies the same.
23. Defendant admits the allegations in Paragraph 23 of the Complaint.
24. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 24 of the Complaint and therefore denies the same.
25. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 25 of the Complaint and therefore denies the same.
26. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 26 of the Complaint and therefore denies the same.
27. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 27 of the Complaint and therefore denies the same.
28. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 28 of the Complaint and therefore denies the same.
29. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 29 of the Complaint and therefore denies the same.
30. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 30 of the Complaint and therefore denies the same.
31. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 31 of the Complaint and therefore denies the same.
32. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 32 of the Complaint and therefore denies the same.
33. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 33 of the Complaint and therefore denies the same.

34. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 34 of the Complaint and therefore denies the same.
35. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 35 of the Complaint and therefore denies the same.
36. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 36 of the Complaint and therefore denies the same.
37. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 37 of the Complaint and therefore denies the same.
38. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 38 of the Complaint and therefore denies the same.
39. Defendant re-alleges and re-states his answers to paragraphs 1 through 38.
40. Defendant admits the allegations in Paragraph 40 of the Complaint.
41. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 41 of the Complaint and therefore denies the same.
42. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 42 of the Complaint and therefore denies the same.
43. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 43 of the Complaint and therefore denies the same.
44. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 44 of the Complaint and therefore denies the same.
45. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 45 of the Complaint and therefore denies the same.

46. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 46 of the Complaint and therefore denies the same.
47. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 47 of the Complaint and therefore denies the same.
48. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 48 of the Complaint and therefore denies the same.
49. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 49 of the Complaint and therefore denies the same.
50. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 50 of the Complaint and therefore denies the same.
51. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 51 of the Complaint and therefore denies the same.
52. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 52 of the Complaint and therefore denies the same.
53. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 53 of the Complaint and therefore denies the same.
54. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 54 of the Complaint and therefore denies the same.
55. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 55 of the Complaint and therefore denies the same.

#### **Affirmative Defenses**

1. Defendant reserves the right to assert affirmative defenses.

WHEREFORE, Defendant respectfully requests that the Court dismiss Plaintiff's Complaint and award it nothing.

Respectfully Submitted:

/s/ Nicholas H. Mattison

Nicholas H. Mattison

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Attorneys for Eugene Salazar

#### **CERTIFICATE OF SERVICE**

I hereby certify that this 15th day of March 2023, I filed the foregoing document electronically through the CM/ECF system, which caused all counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Nicholas H. Mattison

Nicholas H. Mattison